

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	CIV. NO:
	)	
v.	)	<b>COMPLAINT</b>
	)	
JEC ENTERPRISES, INC., d/b/a McDONALD'S	)	
	)	<b>JURY TRIAL DEMAND</b>
Defendant.	)	
_____	)	

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct alleged unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Samantha Collins, Teneka Templeton and a class of similarly situated female employees, of Defendant JEC Enterprises Inc., d/b/a McDonald's ("Defendant Employer"), who were adversely affected by such practices during their employment with Defendant. The Commission alleges that Samantha Collins, Teneka Templeton and a class of similarly situated female employees of Defendant were subjected to sexual harassment by supervisory and managerial officials of Defendant Employer, including, but not limited to, verbal sexual harassment, including sexual comments and innuendo and unwelcome physical touching which created a hostile work environment for them because of their sex, female. The Commission further alleges that the sex harassment and failure of the

employer to promptly correct the unlawful employment practices caused members of the class of similarly situated females to be constructively discharged.

### **JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e-5 (f)(1) and(3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of New Mexico.

### **PARTIES**

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Employer has continuously been a New Mexico corporation doing business in the State of New Mexico and the City of Albuquerque, and has continuously had at least 300 employees.

5. At all relevant times, Defendant Employer has continuously been, and is now, an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e-(b), (g) and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty days prior to the institution of this lawsuit, Samantha Collins and Teneka Templeton filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least October, 2009, Defendant Employer has engaged in unlawful employment practices at its Albuquerque, New Mexico facility in violation of Section 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) because of sex. These practices include but are not limited to, the verbal and physical harassment of a class of similarly situated female employees, which created a hostile work environment for them, because of their sex, female. For example, women were subjected to unwelcome sexual conduct, including but not limited to:

- Touching of their buttocks and other body parts;
- Grabbing or touching of women's breasts;
- Frequently exposing a penis;
- Requests for sex, oral sex or other physical sexual contact;
- Text messages including requests for dates or pornographic photos;
- Requesting that a woman lift her blouse;
- Requests for dates; and
- Constant sexual remarks and sexual innuendo.

8. Since at least January, 2010, Defendant Employer has engaged in unlawful employment practices at its Albuquerque, New Mexico facility in violation of Section 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) because of sex by subjecting female employees to the

working conditions that were so intolerable they had to resign because of unchecked sexual harassment and the employer's failure to take prompt remedial corrective actions.

9. Since at least July, 2010, Defendant Employer has engaged in unlawful employment practices at its Albuquerque, New Mexico facility in violation of Section 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) because of sex. These practices include but are not limited to, the verbal and physical harassment of Samantha Collins and Teneka Templeton, which created a hostile work environment for them, because of their sex, female. For example, these women were subjected to unwelcome sexual conduct, including but not limited to:

- Unwelcome touching of body parts, including buttocks, thighs, hands, and other body parts;
- Constant sexual remarks and sexual innuendo;
- Attempted kissing of at least one woman; and
- Text messages including sexual content and requests for dates.

10. The effect of the practices complained of in paragraphs 7-9 above has been to deprive Samantha Collins, Teneka Templeton and a class of females of equal employment opportunities and otherwise adversely affect their status as employees because of their sex, female.

11. The unlawful employment practices complained of in paragraphs 7-9 above were intentional.

12. The unlawful employment practices complained of in paragraph 7-9 above were done with malice and/or with reckless indifference to the federally protected rights of Samantha Collins, Teneka Templeton and other female employees of Defendant Employer.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, agents, servants, employees, successors, assigns and all persons in active concert or participation with it, from engaging in harassment of employees because of sex and any other employment practice which discriminates on the basis of sex.

B. Grant a permanent injunction enjoining Defendant Employer, its officers, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice that retaliates against any individual for opposition to perceived unlawful employment practices and/or because the individual has made a charge, testified, assisted or participated in any manner in a Title VII proceeding.

C. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for women and which eradicate the effects of its past and present unlawful employment practices, including sex discrimination and retaliation.

D. Order Defendant Employer to make whole aggrieved female employees, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, reinstatement and/or front pay in lieu of reinstatement.

E. Order Defendant Employer to make whole Samantha Collins, Teneka Templeton and other aggrieved female employees by providing compensation for past and future pecuniary

losses resulting from the unlawful employment practices described in paragraphs 7-9 above, in amounts to be determined at trial.

F. Order Defendant Employer to make whole Samantha Collins, Teneka Templeton and the aggrieved class of females by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7-9 above, including, but not limited to, emotional pain, suffering, inconvenience, mental anguish, humiliation, loss of enjoyment of life, and other nonpecuniary losses, in amounts to be determined at trial.

G. Order Defendant Employer to pay Samantha Collins, Teneka Templeton and the class of aggrieved women punitive damages for its malicious and/or reckless conduct described in paragraphs 7-9 above, in amounts to be determined at trial.

H. Grant such further relief as the Court deems necessary and proper in the public interest.

I. Award the Commission its costs in this action.

**JURY TRIAL DEMANDED**

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 28<sup>th</sup> day of September 2012.

Respectfully submitted,

*Electronically Filed*

/s/ LORETTA MEDINA  
Senior Trial Attorney

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**PLEASE NOTE:**

**For purposes of service upon the EEOC, it is sufficient that pleadings, notices, and court documents be served upon the Trial Attorneys. Duplicate service is not required on the General Counsel and Associate General Counsel in Washington, D.C.**